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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

I. Introduction

1. The Committee, in accordance with article 40 (4) of the Covenant, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.

2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, and the Committee's evaluations and the decisions that the Committee adopted during its 124th session. The status of the follow-up to concluding observations adopted by the Committee since its 105th session, held in July 2012, is outlined in a table available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_UCS_124_27810_E.pdf.

Assessment of replies[1]

A	**Reply/action largely satisfactory**: The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
B	**Reply/action partially satisfactory**: The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
C	**Reply/action not satisfactory**: A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
D	**No cooperation with the Committee**: No follow-up report has been received after the reminder(s).
E	**Information or measures taken are contrary to or reflect rejection of the recommendation**

* Adopted by the Committee at its 124th session (8 October–2 November 2018).

[1] The full assessment criteria are available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf.

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II. Assessment of follow-up information

States parties evaluated with a [D] grade for failure to cooperate with the Committee within the follow-up to concluding observations procedure

State party	*Concluding observations*	*Due date of follow-up report*	*Reminders and related action*
No States parties qualified for a [D] grade at the time of adoption of the report.			

112th session (7–31 October 2014)

Montenegro

Concluding observations:	CCPR/C/MNE/CO/1, 28 October 2014
Follow-up paragraphs:	7, 9 and 18
Follow-up reply:	CCPR/C/MNE/CO/1/Add.1, 26 October 2016
Committee's evaluation:	Additional information required on paragraphs 7 **[B]**, 9 **[C]**[**B**] and 18 **[C]**

Paragraph 7: National human rights institutions

The State party should enhance the capacity of the national human rights institution to implement a broad human rights mandate, and provide it with adequate resources, in line with the Paris Principles.

Summary of State party's reply

A new workspace for the functioning of the national preventive mechanism was provided, cooperation with civil society increased and efforts to strengthen the Ombudsman's mandate continue. The State party stresses that the Ombudsman's office's staff significantly increased and comprised 32 employees by the end of October 2016. Employees undergo continuous training and attend workshops, lectures and judicial visits as part of capacity-building projects.

The State party stresses the Ombudsman's adoption of the guidelines for handling discrimination cases and announces the commencement of a two-year project entitled "Support to the National Institutions in Preventing Discrimination".

In May 2016, the Ombudsman was accredited B status and was granted a total budget of 685,782 euros for the year.

Committee's evaluation

[B]: The Committee appreciates the information provided by the State party on the increase in staff numbers at the Ombudsman's office, their designation to thematic fields, its efforts to provide training and education projects, as well as the information received concerning its budget. While the Committee welcomes the accreditation of B status to the Ombudsman, it requires further information on: (a) the measures it envisages to bring the Ombudsman's office completely into line with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) with the aim of achieving A status; (b) the frequency of training sessions attended by staff; and (c) the impact that the two-year project has had so far.

Paragraph 9: Accountability for past human rights violations

The Committee recalls that the State party has an obligation to fully investigate all cases of alleged violations of articles 6 and 7 of the Covenant, and that article 15 permits the State party to employ retroactive criminal statutes to bring those

responsible for such violations to trial when the acts were criminal according to the general principles of law recognized by the community of nations at the time when they were committed. The State party should take immediate and effective steps to investigate all unresolved cases of missing persons and bring the perpetrators to justice. It should ensure that the relatives of disappeared persons have access to information about the fate of the victims.

Summary of State party's reply

In 2015, the Supreme State Prosecutor's Office adopted a Strategy for War Crimes and established the Special State Prosecutor's Office, which is responsible for investigating and prosecuting war crimes. The Strategy prescribes the steps to be taken in order to fight impunity in this regard, focusing on the identification of events and potential Montenegrin citizens who may have been involved in the commission of war crimes. Four final judgments have been rendered, and another eight cases on war crimes and seven on crimes allegedly committed on the territory of Montenegro or neighbouring States are in their pretrial investigation phase.

The State party explains that the Appellate Court of Montenegro revised the judgment rendered by the High Court in Bijelo Polje in the *Bukovica* case, acquitting the defendant of charges in accordance with article 373 (1) of the Criminal Procedure Code, rather than paragraph (2), since the offence with which the defendant was charged did not constitute a criminal offence. The Court made such a decision on the basis that, in the indictment, the defendant was charged with violations of international law during the period between 1992 and 1995, under article 7 (2) of the Rome Statute. The Court found that, because crimes with blanket provisions, such as article 427 of the Criminal Code on crimes against humanity, require a referral to applicable norms in the indictment, the Rome Statute could not amend the blanket provision as it only entered into force on 1 July 2002 and was thus not applicable at the time. The Court therefore based its decision on article 369 (1) of the Code.

Committee's evaluation

[C]: While noting the information provided in relation to the *Bukovica* case, the Committee requires additional information on the revised judgment and clarification of whether there is any plan to reopen the case to bring those responsible for the violations to trial.

The Committee regrets that the State party has not provided any information with regard to the measures taken to ensure that the relatives of disappeared persons have access to information about their fate.

The Committee reiterates its recommendation.

[B]: The Committee takes note of the information provided on the Strategy for War Crimes, the establishment of the Special State Prosecutor's Office, which is responsible for investigating and prosecuting war crimes, as well as the information on pending cases or investigations. The Committee requires further information: on (a) the exact steps taken and the progress made by the Strategy for War Crimes in fighting impunity for such crimes; (b) the dates and sentences rendered in the four final judgments mentioned in its report; and (c) the progress made in the eight cases on war crimes and seven cases for crimes allegedly committed on the territory of Montenegro or neighbouring States.

Paragraph 18: Rights of minorities, birth registration, refugees, internally displaced persons and early marriage

The State party should pursue its efforts to facilitate access by displaced persons and refugees to the procedure for obtaining permanent residence status and to ensure equal access to social and economic opportunities in the State party. It should also adopt and implement a sustainable strategy, in consultation with Roma, Ashkali and Egyptians living in camps, to improve their living conditions and access to basic services. The State party is reminded that any relocation must be carried out in a non-discriminatory manner and must comply with international human rights

standards, including the rights of individuals concerned to be fully informed and consulted, to an effective remedy, and the provision of adequate alternative housing.

Summary of State party's reply

The Law on Amendments to the Law on Foreigners 2009 aimed to facilitate the procedure to resolve the legal status of refugees and internally displaced persons from the former Yugoslav republics, by recognizing their right to temporary or permanent residence.

In order to permanently resolve the situation of refugees and displaced persons, all persons who failed to exercise their right to submit a request for permanent or temporary residence of up to three years from 1 January 2015 are considered as illegally residing in Montenegro. In the period between the entry into force of the Law on Amendments, that is 7 November 2009, and 1 September 2016, a total of 14,167 requests for permanent residence and temporary stays of up to three years were filed by displaced persons, of which 13,451 have been resolved (1,060 persons received Montenegrin citizenship) and 716 are still being processed.

The State party stresses that it has been addressing the issues of refugees and displaced persons through the adoption of the Strategy for Durable Solutions of the Status of Displaced and Internally Displaced Persons 2011–2015. Action plans for the implementation of activities envisaged by the Strategy have been adopted annually. It is intended to extend the Strategy until the end of 2018 to allow for the termination of certain projects. Such projects are mainly funded by donors (namely, the European Union and other countries) and focus on the housing needs of refugees and displaced persons, especially the Konik Camp, as well as the construction of housing units.

The Ministry of Labour and Social Welfare is responsible for the implementation of the Regional Housing Programme, the aim of which is to provide housing solutions for 74,000 refugees and internally displaced persons. The National Housing Programme for Montenegro envisages the provision of funds for 907 housing units for 6,063 persons, comprising the most vulnerable categories of refugees. Donors have also approved funds for the construction of a multipurpose centre (a project office and a place to work with children and youth) and additional residential units in Konik to finalize the subproject enabling the closure of Konik Camp II.

Committee's evaluation

[C]: The Committee appreciates the information provided on the steps taken to facilitate the procedure to resolve the legal status of refugees and internally displaced persons from the former Yugoslav republics, the specific number of persons granted citizenship and the requests resolved and pending, as well as the completed and ongoing projects to provide housing for refugees and internally displaced persons. However, it notes with concern that no information was provided on consultations with Roma, Ashkali and Egyptians living in camps for a sustainable strategy and that all persons who failed to exercise their right to submit a request for permanent or temporary residence of up to three years from 1 January 2015 are now considered to be residing illegally in Montenegro. The State party provided no information on the guarantees or the procedures in place to ensure that relocations were carried out in a non-discriminatory manner in compliance with international human rights standards, including the rights to be fully informed and consulted, to an effective remedy and to adequate alternative housing, as recommended by the Committee.

The Committee requires information on: (a) the measures taken to ensure that those who have obtained an identity card for foreigners will enjoy the full range of rights without discrimination with regard to their permanent but foreign status; (b) the measures taken to facilitate access by displaced persons and refugees to the procedure for obtaining permanent residence status, including in cases in which they did not apply during the three-year period specified by the State party and are now considered to be illegally residing in Montenegro; (c) the measures taken to improve the living standards of the most vulnerable refugees as well as those of Roma, Ashkali and Egyptians living in camps by engaging in consultations with them; (d) any guarantees or procedures in place to ensure the compliance of relocations with international human rights standards; and (e) how the National Housing

Programme for Montenegro ensures a non-discriminatory determination of a refugee's vulnerability when determining their access to adequate housing.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested will be included, as appropriate, in the list of issues prior to submission of the second periodic report of Montenegro.

Next periodic report: 31 October 2020.

115th session (19 October–6 November 2015)

Greece

Concluding observations:	CCPR/C/GRC/CO/2, 3 November 2015
Follow-up paragraphs:	16, 32 and 34
Follow-up reply:	CCPR/C/GRC/CO/2/Add.1, 6 December 2016
Committee's evaluation:	Additional information required on paragraphs 16 **[B]**|**[C]**, 32 **[C]**|**[B]** and 34 **[C]**
Non-governmental organizations:	Greek Helsinki Monitor, 3 April 2017[2] Médecins du Monde, 19 April 2017[3]

Paragraph 16: Excessive use of force and ill-treatment

The State party should ensure that all allegations of unauthorized and disproportionate use of force by law enforcement officials are thoroughly and promptly investigated by an independent authority, that the alleged perpetrators are prosecuted, that those found guilty are punished with sentences that are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families. The State party should also ensure that the police receive appropriate professional training that includes full respect for human rights principles.

Summary of State party's reply

Complaints of misconduct or ill-treatment by police officers against individuals or of disproportionate use of force give rise to investigation procedures. In accordance with Presidential Decree 120/2008, an administrative enquiry is initiated and entrusted to officers of other departments. Acts constituting torture and other violations of human dignity result in dismissal.

As suggested by the Committee, a draft bill to designate the Ombudsman as the national mechanism for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents has been issued and recommended for adoption by Parliament in 2016. The mechanism will complement the judiciary. The draft bill provides for the Ombudsman to deal with cases (a) following a complaint, (b) initiated *proprio motu* or (c) upon referral by the competent minister or secretary-general of a ministry. While waiting for an Ombudsman's report, which has to be submitted within three months, the disciplinary bodies of each agency should refrain from issuing decisions. The final decision of a disciplinary body may depart from the operative part of the relevant report of the Ombudsman, provided that specific and detailed justification is given.

[2] See https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fGRC%2f27052&Lang=en.

[3] See https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fGRC%2f27236&Lang=en.

National law provides for victims of criminal acts to file civil lawsuits to obtain compensation. Apart from providing legal aid to persons on low incomes, victims of certain crimes are granted free legal aid irrespective of their income.

At the Hellenic Police Academy and the Police Constables' School, police officers are taught a separate module on human rights, as part of the courses on constitutional and administrative law.

Information from non-governmental organizations

Greek Helsinki Monitor

Several cases referenced in reports by Amnesty International and the Greek Council for Refugees demonstrate the shortcomings in implementing the mechanisms in place and confirm that torture and other ill-treatment persist. They also show the reluctance of the authorities to end impunity and effectively investigate the allegations of such treatment.

The new Ombudsman's mandate to investigate the complaints of arbitrariness by law enforcement and detention facility agents began on 9 June 2017. The enforcement agencies still retain the power to prosecute perpetrators. While the agencies have to justify the reasons for departing from the Ombudsman's recommendations, they are not binding.

Greek Helsinki Monitor describes the cases of three Roma, Thanasis Panayotopoulos, Yannis Bekos and Vasilis Loukas (one of whom was hospitalized as a result), who claim to have been the victims of torture by police officers. While several complaints submitted through the mechanisms in place were left unanswered, the individuals refused to testify in an internal investigation by local police that was subordinated to the division that they claim tortured them. Similarly, a 21-year-old Syrian refugee claims to have been kicked, stripped naked and detained by police. His arrest warrant was issued in Greek only. His defence statement translated into Greek by a translator without certification was read by several police officers, three prosecutors and two judges, yet none of them initiated investigations.

Committee's evaluation

[B]: The Committee welcomes the designation of the Ombudsman as the national mechanism for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents. It requires additional information on: (a) the mandate and actions taken by the national mechanism for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents to investigate allegations of unauthorized and disproportionate use of force by such agents; and (b) whether the State party envisages rendering the Ombudsman's recommendations binding.

[C]: The Committee regrets the lack of information on concrete measures taken after the adoption of the concluding observations to ensure that all allegations of unauthorized and disproportionate use of force by law enforcement officials are thoroughly and promptly investigated by an independent authority. It therefore requires information on: (a) the measures taken to punish, as well as the sentences imposed on, law enforcement officials for misconduct, ill-treatment or disproportionate use of force, after the adoption of the Committee's concluding observations; (b) the progress of investigations made into the cases of Thanasis Panayotopoulos, Yannis Bekos, Vasilis Loukas and similar ones; and (c) the number, regularity, duration and content of professional training for police officers and other law enforcement agents conducted after the Committee's concluding observations. The Committee reiterates its recommendation.

Paragraph 32: Unaccompanied minors

The State party should ensure that the principle of the best interests of the child is given due consideration in all decisions concerning unaccompanied children, including by:

(a) **Ensuring that unaccompanied minors who enter the country in an irregular manner are not detained or are held in detention only as a measure of last resort and for the shortest period of time necessary;**

(b) **Creating new reception facilities and increasing the number of detention spaces in existing structures, while ensuring adequate conditions for unaccompanied minors in those facilities, including their segregation from adults;**

(c) **Pursuing its efforts to redesign the guardian assignment procedure to ensure that each unaccompanied child is provided with a legal guardian;**

(d) **Ensuring that the age assessment procedure is based on safe and scientific methods, taking the children's mental well-being into account and avoiding all risks of violating their physical integrity.**

Summary of State party's reply

Unaccompanied minors are registered and referred to the National Centre for Social Solidarity and the local prosecutor, who acts as their temporary guardian. The minors then stay in reception and identification centres for a maximum of 25 days, with the possibility of an extension in extreme cases of 20 days, until they are referred to safe and appropriate accommodation.

(a) The State notes that there are less than 20 minors in protective custody, which does not exceed 10 days due to their prioritization for placement in shelters. They were identified by police during routine drug checks and placed under the latter's responsibility to ensure their protection while more appropriate solutions are sought.

(b) Since the beginning of 2016, the number of shelters was increased from 17 to 41 and an additional 690 places made available compared with the initial number of 420. In the reception and identification centres, unaccompanied minors stay in separate accommodation and are provided with food, shelter, psychological and legal support, and informal education lessons and are allowed outside under supervision. Unaccompanied minors are provided with care at all times during stays in "safe zones" within open accommodation sites.

(c) A law on guardianship, drafted by the Ministry of Labour, will shortly be submitted to Parliament. The draft law will enhance the protection of children deprived of parental care and will be implemented by the National Centre for Social Solidarity. Similarly, a future amendment to the law on foster care will include special provisions for unaccompanied minors.

(d) Age assessments are conducted at the reception and identification centres by a doctor and a psychologist and in case of doubt, persons are registered as minors in accordance with the principle of the best interests of the child.

Information from non-governmental organizations

Greek Helsinki Monitor

(a) Minors are detained until they are transferred to accommodation centres for minors. Greek Helsinki Monitor established that many were detained for periods between six and eight weeks prior to their transfer. In addition, some minors were detained in police stations prior to their transfer to the Special Detention Facility. Upon transfer to the latter, no individual evaluation of vulnerability is carried out nor are unaccompanied minors informed of their legal status or right to legal representation. During visits, Greek Helsinki Monitor also identified particularly vulnerable minors who were abused in their countries of origin, while others had family members who were legally resident in Greece.

(d) Since February 2016, an age assessment procedure is applied in all cases in which the age of an asylum seeker is contested. During such a procedure, questionable methods are used to establish the age, including skeletal age measurement through radiology. During visits, Greek Helsinki Monitor found that individuals had not been separated from adults before age assessment procedures had been initiated. In some police

stations and detention centres, no age assessment procedures had been initiated in cases in which individuals claimed to be minors.

Médecins du Monde

(a) Despite the obligation of the State party under European Union law to only detain minors in exceptional circumstances, national law merely requires authorities to "avoid" such detention but does not expressly prohibit it. While unaccompanied children can only be detained until a place in a special facility for minors is found, authorities continue to detain them on an apparently arbitrary basis for differing periods of time, ranging from a few hours to several months.

(b) Despite the Government's efforts to increase reception capacity, the 1,382 places in special centres for unaccompanied minors remain insufficient. By the end of March 2017, 951 unaccompanied minors were on the waiting list of the National Centre for Social Solidarity for shelter, among whom 184 were staying in reception and identification centres and 31 in protective custody.

(c) The high numbers of unaccompanied minors and their particular characteristics render the guardianship function of the prosecutor and other appointed guardians ineffective. The draft bill aimed at enhancing the protection of unaccompanied minors has not been submitted to Parliament yet, neither has a procedure been institutionalized for determining the best interests of the child.

(d) An age assessment procedure is in place for refugees as well as asylum seekers. However, most third country nationals apprehended by the police for irregularly entering or living on the mainland do not benefit from a legal procedure to assess their age. The age assessment procedure is applied and in case of doubt, until the procedure is finished, the individual is considered to be a minor. The assessment and decision are based on macroscopic characteristics (height, weight body mass index, voice and hair growth) made by a paediatrician, a method regarded as the least accurate for age assessment. When a paediatrician is not available, a psychologist and social worker carry out the assessment based on an individual's cognitive, behavioural and emotional characteristics and social background. This assessment may, however, be based on a rather subjective interpretation by the psychologist and the short interview with the individual does not allow for a thorough assessment. Additionally, there is a severe lack of paediatricians and interpreters in centres. Finally, the rejection of most appeals regarding age assessments at reception and identification centres results in the de facto absence of an effective legal remedy.

Committee's evaluation

[C] (a) and (d): The Committee appreciates the information provided by the State party and the data provided on the custody of unaccompanied minors, however, it regrets that the detention may be extended to periods of time that can be considered excessive. In this regard, the Committee requires the State party to provide information on the measures taken to ensure that unaccompanied minors who enter the country in an irregular manner are not detained or are only held in detention as a measure of last resort and for the shortest period of time necessary. It also requires information on the number of current and previous unaccompanied minors in custody since 2015, the duration of their custody, the vulnerability assessments made, medical assessments undergone, facilities sent to and guarantees provided to ensure that they are informed of their legal status and entitlement to legal aid.

The Committee notes the information provided by the State party on the involvement of doctors and psychologists in the age assessment procedure. However, it regrets reports indicating that the procedure is intrusive and inaccurate and that it is not thoroughly implemented in all cases, particularly with respect to individuals who illegally entered or reside on the mainland. The Committee therefore requires information on whether any steps have been taken to develop a standard protocol for the age assessment procedure, which is applicable to any individual whose age is questioned. The Committee reiterates its recommendation.

[B] (b) and (c): The Committee welcomes the information provided, including the increase in the number of shelters from 17 to 41 and the addition of approximately 690 places to the pre-existing 420, as well as the information provided on the separation of unaccompanied minors from adults and the services and safe zones provided to them. The Committee requires information from the State party on the steps taken to continue its efforts in analysing the current needs and building new shelters with the aim of reducing the number of unaccompanied minors awaiting placement in shelters.

The Committee welcomes the envisaged draft laws on guardianship and foster care, but regrets the lack of specific information on their content. The Committee requires information on: (a) how the aforementioned laws would enhance the protection of children deprived of parental care; (b) which guarantees are included in the special provisions for unaccompanied minors; and (c) what progress has been made in the draft bills' legislative process and implementation.

Paragraph 34: Expulsion of asylum seekers and undocumented immigrants

The State party should ensure that all persons seeking international protection have access to fair and personalized assessment procedures, protection against refoulement without discrimination and an independent mechanism with the authority to suspend negative decisions. The State party is encouraged, in consultation with its international and regional partners and neighbours, to allow migrants wishing to enter its territory to have access to safe entry points where their asylum claims can be evaluated. The State party should also take all the measures necessary to ensure that informal returns do not occur and that immigrants are not subjected to ill-treatment during their deportation and expulsion or while in pre-removal centres. The State party should also ensure that ill-treatment of refugees and migrants is effectively reported, undertake, as a matter of priority, prompt, effective and independent investigations into all claims of irregular returns and ill-treatment of migrants, punish the perpetrators, where appropriate, and provide compensation to victims.

Summary of State party's reply

The State party reiterates that all asylum requests are examined individually on a case-by-case basis. No collective expulsions are carried out and the principle of non-refoulement is fully observed.

Additionally, the operational plans of the joint Border Management Action refer to the non-refoulement principle in relation to third country nationals who seek international protection. Entry points at the borders ensure safe access to asylum seekers, who are then referred to the relevant authorities assessing their requests.

Moreover, a new European Union regulation, in force since October 2016, established a complaint mechanism for persons whose fundamental rights have been breached or have been directly affected by the actions of staff involved in joint border management operations. The home member State of the staff member allegedly involved is responsible for taking appropriate measures, including disciplinary proceedings.

Information from non-governmental organizations

Greek Helsinki Monitor

Greek Helsinki Monitor stresses that there are no safe entry points into Greece to which asylum seekers may have access.

Greek Helsinki Monitor restates the case of Kahled who was not provided with a lawyer during his court appearance on 23 March 2017. According to the non-governmental organization Advocates Abroad, his trial lasted six and a half minutes, the "interpreter" was used inappropriately and unlawfully as he did not interpret the proceedings, the defendant was asked three or four questions, was refused a defence witness and no prosecution witness was examined. Kahled was sentenced to 16 months' imprisonment for resisting arrest, insulting the police and illegally carrying a knife.

Greek Helsinki Monitor refers to a report from early 2017 by Amnesty International and another from March 2017 by Human Rights Watch, both describing the reception centres on islands as overcrowded, often too remote from hospitals and other services, lacking security safeguards, fomenting riots or hate crimes and leaving individuals uncertain about their futures. The adoption of a containment policy to keep asylum seekers confined to islands contributed to these conditions. Several Syrian refugees were denied appeals and returned to Turkey despite filing asylum applications. Inhuman living conditions caused the death of at least five refugees in Lesbos.

Committee's evaluation

[C]: The Committee takes note of the information provided by the State party and welcomes the new European Union regulation, which came into force in October 2016, providing for the establishment of a complaint mechanism for persons whose fundamental rights have been breached or have been directly affected by the actions of staff involved in joint border management operations. It regrets, however, the lack of reporting on specific measures taken after the Committee's concluding observations to fully implement the Committee's recommendations. In particular, the Committee requires information on: (a) the measures taken to ensure that asylum claims and refugee status are determined on a case-by-case basis in respect of the non-refoulement principle and that a provision for appeal before an independent and impartial authority is guaranteed; (b) the measures taken to ensure effective prevention of ill-treatment of refugees and asylum seekers and to ensure that perpetrators of such treatment are punished; and (c) the implementation of the European Union regulation, which entered into force on 6 October 2016, particularly as regards the mechanisms in place to inform asylum seekers and refugees of their right to resort to the complaint mechanism when their fundamental rights have been breached or affected by the actions of staff involved in joint border management operations. The Committee also invites the State party to comment on the information provided about the containment policy to confine asylum seekers to islands and the reception centres on islands that are overcrowded, often too remote from hospitals and other services, lacking security safeguards, fomenting riots or hate crimes and leaving individuals uncertain about their futures. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

Next periodic report: 6 November 2020.

Republic of Korea

Concluding observations:	CCPR/C/KOR/CO/4, 3 November 2015
Follow-up paragraphs:	15, 45 and 53
Follow-up reply:	CCPR/C/KOR/CO/4/Add.1, 23 July 2017
Committee's evaluation:	Additional information required on paragraphs 15 **[E]**, 45 **[C]** and 53 **[C]**
Information from non-governmental organizations:	South Korean Human Rights Organizations Network (84 non-governmental organizations), 3 November 2016[4]

Paragraph 15: Discrimination on the grounds of sexual orientation and gender identity

The State party should clearly and officially state that it does not tolerate any form of social stigmatization of, or discrimination against, persons based on their

[4] https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fKOR%2f27078&Lang=en.

sexual orientation or gender identity, including the propagation of so-called "conversion therapies", hate speech and violence. It should strengthen the legal framework to protect lesbian, gay, bisexual, transgender and intersex individuals accordingly, repeal article 92-6 of the Military Criminal Act, avoid the use of State-owned buildings by private organizations for so-called "conversion therapies", develop sex education programmes that provide students with comprehensive, accurate and age-appropriate information regarding sexuality and diverse gender identities, and facilitate access to the legal recognition of gender reassignment. It should also develop and carry out public campaigns and provide training for public officials to promote awareness and respect for diversity in respect of sexual orientation and gender identity.

Summary of State party's reply

Notwithstanding the lack of separate legislation prohibiting hate speech against a particular group of people, the State party notes that article 11 of the Constitution and the National Human Rights Commission Act explicitly prohibit sexual orientation and gender identity as grounds for discrimination.

The State party notes that discriminatory measures on grounds of sexuality are strictly forbidden in the military under the Unit Management Directive, but there are no plans to repeal article 92-6 of the Military Criminal Act. This decision is based on the judgment rendered by the Constitutional Court on 28 July 2016, which stated that the provision was not unconstitutional and, therefore, could not be regarded as a provision punishing homosexuals. In the Court's view, the restrictions are legitimate in order to preserve the distinct nature of the military, despite their discriminatory nature against homosexual servicemen.

Following consultation with experts, school and education offices, sex education materials for kindergarten, primary and secondary school have been standardized and supplemented. However, parents opposed the inclusion of diverse sexuality in sex education at schools for minors, who are yet to determine their sexual orientation. As a result, the Government decided to exclude diverse forms of sexual orientation and gender identity from sex education until the end of secondary school as it holds that public education should reflect social and culturally agreed values.

The Supreme Court's judgment of 2006 introduced the guidelines on handling applications for gender reassignment. The State party reiterates that the guidelines are subject to review if the socially accepted notions of a person's gender change.

Information from non-governmental organizations

South Korean Human Rights Organizations Network

The Korean authorities denied legal personality to a lesbian, gay, bisexual, transgender and intersex persons association called "Beyond the Rainbow Foundation", because only groups that work on broad themes of human rights are granted registration. The Korean authorities later appealed the court decision granting the foundation legal status. The Network also reports that several students and student groups hanging banners on university campuses in support of lesbian, gay, bisexual, transgender and intersex persons found them damaged. Investigations into the matter were not carried out thoroughly. Additionally, churches and universities restrict or prevent events organized by groups of lesbian, gay, bisexual, transgender and intersex persons or threaten individuals with expulsion. The legal framework has not been strengthened and there is no recognition of hate speech under criminal law.

As confirmed by the State in its follow-up report, article 92-6 of the Military Criminal Act has not been repealed as the Constitutional Court regarded the provisions to be constitutional and as even protecting servicemen from the risk of homosexual acts by superiors and as a way to preserve combat strength.

The sex education material issued nationwide by the Government contains blatant sexist and discriminatory remarks. Upon request by the Ministry of Education, a provider of

online education for teachers cancelled a lesbian, gay, bisexual, transgender and intersex persons-inclusive sex education programme to which 700 teachers had applied.

Committee's evaluation

[E]: The Committee regrets the State party's position that it has no plans to repeal article 92-6 of the Military Criminal Act and that the Constitutional Court on 28 July 2016 found that article constitutional, despite its discriminatory nature against homosexual servicemen.

The Committee regrets that, contrary to the Committee's recommendation, the State party decided to exclude diverse forms of sexual orientation and gender identity from sex education until the end of secondary school, on the grounds of reflecting social and culturally agreed values.

The Committee also regrets the State party's position that it will review the guidelines on gender reassignment in case of a change in the socially accepted notions of a person's gender.

The Committee further regrets that no measures have been taken to implement its recommendations regarding: (a) clearly and officially stating that it does not tolerate any discrimination, hate speech, violence against lesbian, gay, bisexual, transgender and intersex persons or propagation of "conversion therapies"; (b) strengthening the legal framework to protect lesbian, gay, bisexual, transgender and intersex persons; and (c) conducting campaigns and training to promote tolerance and awareness of lesbian, gay, bisexual, transgender and intersex persons.

The Committee reiterates its recommendation.

Paragraph 45: Conscientious objection

The State party should:

(a) **Immediately release all conscientious objectors condemned to a prison sentence for exercising their right to be exempted from military service;**

(b) **Ensure that conscientious objectors' criminal records are expunged, that they are provided with adequate compensation and that their personal information is not publicly disclosed;**

(c) **Ensure the legal recognition of conscientious objection to military service, and provide conscientious objectors with the possibility of performing an alternative service of civilian nature.**

Summary of State party's reply

(a) While the State party stresses that the currently imprisoned conscientious objectors have enjoyed a fair and independent trial, its views have not changed since the follow-up to an individual communication of 2015 (see CCPR/C/112/D/2179/2012). The follow-up report stated that the conscientious objectors' immediate release, elimination of their criminal records and compensation would hamper the reliable and efficient functioning of the judicial system.

(b) Both conscientious objectors and those who seek to evade military service are subjected to disclosure of personal information if the court finds that their refusal to take part in military service is not based on "justifiable grounds" under the amended Military Service Act. Individuals affected may appeal such court decisions.

(c) The State reaffirms that it will review the matter of introducing alternative service for conscientious objectors when the security situation on the Korean Peninsula has stabilized and a social consensus regarding this issue has formed. The constitutional appeal for the introduction of alternative service is still pending before the Constitutional Court.

Information from non-governmental organizations

South Korean Human Rights Organizations Network

(a) Since the adoption of the Committee's concluding observations in 2015, no conscientious objector has been released, except those who have completed their sentence. Between November 2015 and August 2016 a total of 315 new conscientious objectors were imprisoned.

(b) In accordance with the amendments to the Military Service Act of 31 December 2014, regional military manpower offices drafted a list of evaders under their jurisdiction whose personal information was to be disclosed. As confirmed by the State party the individuals affected would have a chance to appeal the inclusion of their names on that list. The Network states that, since the State party has a very high number of conscripts, such a law may not give rise to a significant increase in numbers, but the harm caused by putting people on that list is significant.

(c) The Constitutional Court is currently reviewing the provisions of the Military Service Act in the light of the right to freedom of conscience enshrined in the Constitution, since the Act provides for no exceptions from criminal sanctions for conscientious objectors. Despite introducing government-commissioned research on a detailed outline for a system of alternative service, the State party refuses to introduce it, relying on a poll that resulted in 58.3 per cent opposition. In contrast, several other polls prove that the majority of citizens support alternative service. On a positive note, the increasing trend of lower courts to rule in favour of conscientious objectors demonstrates the growing support for a change in legislation on this issue. Moreover, in 2016, for the first time in history, an appellate court acquitted three conscientious objectors on charges of evading military service.

Committee's evaluation

[C] (a), (b) and (c). The Committee regrets that the State party has not implemented its recommendation to immediately release all imprisoned conscientious objectors and that, since the individual communication, more conscientious objectors have been condemned to prison sentences. The Committee reiterates its recommendation.

The Committee notes the information provided by the State party, but regrets that no measures have been taken after the adoption of the Committee's concluding observations. In particular, the State party has not implemented the Committee's recommendation to expunge the conscientious objectors' criminal records and provide them with adequate compensation. The Committee reiterates its recommendation.

The Committee takes note of the pending constitutional appeal regarding the introduction of alternative service, but regrets that no measures have been taken to legally recognize conscientious objection to military service and alternative service. It requires information on the progress or outcome of the pending constitutional appeal. The Committee reiterates its recommendation.

Paragraph 53: Peaceful assembly

The State party should ensure that all persons enjoy the right to peaceful assembly, and that limitations on that right are in strict compliance with article 21 of the Covenant. It should review its regulations on the use of force and ensure that they are in compliance with the Covenant, and train its police officials accordingly.

Summary of State party's reply

The State party stresses that the right to peaceful assembly is guaranteed by the Constitution in accordance with international human rights law. The Assembly and Demonstration Act requires assemblies and demonstrations to be reported to police in advance and it delineates specific reasons for their prohibition rather than a general ban. While assemblies are allowed at any time of the day or night, the Government will initiate a follow-up legislative process to bring the regulation on demonstrations into line with the

Constitutional Court's decision, which ruled that they are only prohibited between midnight and sunrise. The Government notes in this regard that assemblies that turn into demonstrations after midnight may be forcibly dispersed, but the police do not usually resort to this measure. Investigations into individual acts during assemblies and demonstrations on the basis of the Criminal Act are only carried out if they constitute illegal acts, such as the obstruction of traffic or the assault of a police officer.

The Act on the Performance of Duties by Police Officers read in conjunction with the Regulations Regarding Guidelines on Usage of Hazardous Police Equipment clearly lay out provisions regarding the tools and equipment to be used by the police. Moreover, police officers receive regular human rights and safety education related to the use of force during assemblies and demonstrations.

Information from non-governmental organizations

South Korean Human Rights Organizations Network

The current Assembly and Demonstration Act bans outdoor assemblies or demonstrations either before sunrise or after sunset, but the National Police Agency has suggested amendments so as to apply the ban only between midnight and 7 a.m. The Network recalls, nevertheless, that individuals should be free to choose the location, time and methods of assembly and restricting or banning them from making those choices still violates the essence of the right of assembly.

Notwithstanding article 6 (1) of the Assembly and Demonstration Act mentioning the mere need to notify the police of assemblies and demonstrations, the authorities have installed a de facto registration system, arbitrarily banning such gatherings on the basis of traffic congestion and concerns about violence and arson. When such bans are issued, the gatherings are labelled as "illegal", which causes confrontations between the police and protesters, entailing criminal punishment for some of its organizers or participants.

On the day of the People's Rally, the police set up bus barricades to significantly obstruct demonstrators, while mobilizing 19 water cannon trucks, 10 of which were used to fire at protestors directly. In this context, 69-year-old farmer Back Nam-gi was knocked to the ground by a high-powered water cannon. As a result, he underwent surgery for a cerebral haemorrhage and died after 317 days in a coma.

Committee's evaluation

[C]: The Committee takes note of the information provided by the State party, including the envisaged legislation to bring the regulation of demonstrations into line with the Constitutional Court's decision. The Committee regrets the lack of information on the specific measures taken after the Committee's concluding observations, including on: (a) the training of police officers conducted after November 2015; (b) the measures taken to amend the Assembly and Demonstration Act to ensure strict compliance with article 21 of the Covenant; and (c) the measures taken to review the State party's regulations on the use of force to ensure that they are in compliance with the Covenant, and requires information on the above, as well as information on the investigation into the death of the 69-year-old farmer Back Nam-gi following the use of a water canon against demonstrators on the day of the People's Rally, on the prosecution of those responsible and on the reparation provided to the victim's family. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested will be included, as appropriate, in the list of issues prior to submission of the fifth periodic report of the Republic of Korea.

Next periodic report: 6 November 2019.

Benin

Concluding observations:	CCPR/C/BEN/CO/2, 3 November 2015
Follow-up paragraphs:	9, 19 and 23
Follow-up reply:	CCPR/C/BEN/CO/2/Add.1, 26 January 2018
Committee's evaluation:	Additional information required on paragraphs 9 **[B]**, 19 **[B]** and 23 **[B]**[C]

Paragraph 9: National Human Rights Commission

The State party should take all necessary measures to appoint the members of the National Human Rights Commission as soon as possible. It should guarantee the Commission's independence by ensuring that it has financial autonomy and adequate human and material resources to enable it to fulfil its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

Summary of State party's reply

In accordance with the decision issued by the President of the National Assembly in 2016, a selection committee was established to supervise the appointment of 11 members of the Commission. The call for applications for the Commission was publicized in the media between 23 October and 10 November 2017, and the appointment process is under way.

Committee's evaluation

[B]: While the Committee appreciates the measures taken by the State party, including the establishment of a selection committee to supervise the appointment of 11 members of the Commission and the call for applications publicized in 2017, it requires additional information with regard to the measures taken to ensure compliance with the Paris Principles. The Committee requires specific information in particular on: (a) the expected dates for the appointment of the Commission's members; and (b) the measures taken to ensure its financial autonomy and adequate human and material resources, in accordance with the Paris Principles.

Paragraph 19: Right to life

The State party should adopt the new Criminal Code as soon as possible so as to expressly abolish the death penalty. It should commute death sentences to prison sentences. The State party should take steps to initiate or continue investigations into cases of murder or attempted murder and bring the perpetrators to justice. It should also take stringent measures to punish infanticide. It should raise public awareness of respect for the right to life.

Summary of State party's reply

The Constitutional Court ruled in 2016 that the entry into force of the Second Optional Protocol to the Covenant in the State party rendered any legal provision imposing the death penalty as punishment null and void. The remaining 14 death sentences are currently being commuted and the new Criminal Code is being adopted through committees of the National Assembly.

The enactment and awareness-raising of Act No. 2015-08 of 8 December 2015 on the Children's Code of Benin aims at strengthening the prevention of infanticide, which constitutes a crime under articles 339 to 341 of the Code.

In 2016, a national campaign to raise awareness of the right to life was conducted by the Government, in collaboration with civil society, and co-financed by the national budget and the United Nations Development Programme.

Committee's evaluation

[B]: The Committee appreciates the information on the Constitutional Court's ruling regarding the provisions on the death penalty being rendered null and void, the current commutation of death penalties to prison sentences and the information on the plan to adopt the new Criminal Code. In this regard, it requires further information on: (a) the progress of the adoption of the new Criminal Code and the inclusion of a provision to abolish the death penalty; and (b) the process to commute the remaining 14 death sentences referred to by the State party. While the Committee welcomes the information on actions taken to raise awareness of infanticide and the right to life, it requires specific information on the stringent measures taken after the adoption of the Committee's concluding observations to punish infanticide, including information on the steps taken to initiate or continue investigations into cases of murder or attempted murder and bring the perpetrators to justice.

Paragraph 23: Prohibition of torture and impunity

The State party should adopt the new Criminal Code as soon as possible so as to expressly define and criminalize torture in line with article 7 of the Covenant. It should establish a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of complaints of torture or ill-treatment. The State party should conduct thorough and impartial investigations into all allegations of torture and ill-treatment, including such acts committed between 1972 and 1990, and take the necessary measures in this regard.

Summary of State party's reply

The State party referred to articles 18 and 19 of the Constitution, which prohibit torture, abuse and cruel, inhuman or degrading treatment and regulate punishment of such acts. The State party stresses the fact that the cases of inhuman and degrading treatment regularly brought before the courts and the sanctions imposed on perpetrators prove that the above-mentioned provisions are enforced.

In order to define and criminalize torture, a new version of the Criminal Code is being adopted, while some provisions of Act No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure already represent progress in ensuring respect for criminal justice and the fight against torture.

Committee's evaluation

[B]: The Committee welcomes the information that the new Criminal Code defines and criminalizes acts of torture and ill-treatment. It requires information on whether the definition of torture in the new Criminal Code is in conformity with article 7 of the Covenant, including whether torture is punished with sanctions that are commensurate with the nature and gravity of the crime.

[C]: The Committee regrets that the State party has not provided information on the measures taken to establish a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of complaints of torture or ill-treatment. It also regrets that no specific information was provided with regard to the measures taken as a result of the investigations into the allegations of torture and ill-treatment, including such acts committed between 1972 and 1990. It requires this information along with information on the progress made on the adoption of the new Criminal Code and the compliance of the definition of torture therein with article 7 of the Covenant. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

Next periodic report: 6 November 2019.

116th session (7–31 March 2016)

Rwanda

Concluding observations:	CCPR/C/RWA/CO/4, 24 March 2016
Follow-up paragraphs:	16, 20, 32 and 40
Follow-up reply:	CCPR/C/RWA/CO/4/Add.1, 8 May 2018
Committee's evaluation:	Additional information required on paragraphs 16 **[B][C]**, 20 **[C]**, 32 **[B]** and 40 **[B][C]**

Paragraph 16: Violence against women and children

The State party should:

(a) **Make the necessary legislative amendments in order to apply the same penalties to all types of rape and repeal the provision that criminalizes the victim's refusal to testify;**

(b) **Ensure that cases of domestic and sexual violence are thoroughly investigated, that the perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated;**

(c) **Guarantee the issuance of protection orders in order to ensure the safety of victims;**

(d) **Step up its efforts to guarantee the availability of a sufficient number of *Isange* one-stop centres and support services in all parts of the country.**

Summary of State party's reply

(a) The State party stresses that the Parliament has passed, but has yet to publish, the new Penal Code, which envisages the same penalties, without distinction, for all perpetrators of the crime of rape. Article 765 of the Penal Code of 2012, which repeals all provisions contrary to it, implicitly repealed article 36 of Law No. 59/2008 on the prevention and punishment of gender-based violence, which punished victims who refused to testify in cases against those who had committed violence against them.

(b) The State party ensures that cases of sexual violence are thoroughly investigated and prosecuted and those responsible are punished with appropriate sanctions if convicted. It reports that between 2016 and 2017, the National Public Prosecution Authority received a total of 3,130 cases of gender-based violence from the judicial police, of which 1,932 were passed to the courts, where 1,488 perpetrators were found guilty of child defilement, rape or spouse harassment. Victims are provided with free access to civil action to obtain compensation, as well as assistance with representation by legal counsel, which is assigned by the Bar Association in partnership with the Government.

(c) The State party reports that Law No. 59/2008 prevents and punishes gender-based violence, Order No. 001/03 of the Prime Minister of 11 January 2012 determines modalities in which government institutions prevent and respond to gender-based violence and Ministerial Order No. 002/08.11 of 11 February 2014 now regulates court fees in civil, commercial, social and administrative matters. The Government of Rwanda has adopted new policies to enhance the protection of victims of gender-based violence through the establishment of countrywide *Isange* one-stop centres, the Investigation Bureau, which ensures the security of victims and witnesses, and the Gender Monitoring Office, which monitors the effectiveness of the prevention of such violence and the quality of services and mechanisms offered to victims.

(d) The number of *Isange* one-stop centres was increased from 7 in 2013 to 44 in 2017 and are currently operational in all district hospitals. The centres offer safe shelter, medical and psychosocial counselling and medico-legal aid to victims and survivors of

gender-based violence round the clock. Such services are offered under one roof to avoid revictimization and the risk of forging evidence.

Committee's evaluation

[B] (a), (b) and (d): The Committee welcomes the enactment of the new Penal Code, which provides for penalties, without distinction, for all perpetrators of the crime of rape, and the implicit repeal of the provision punishing victims who refuse to testify in cases alleging violence against them. It requests, however, information on the progress made in the adoption of the new Penal Code, the content, definition and punishment for the crime of rape provided therein and an update on the efforts made to explicitly repeal article 36 of Law No. 59/2008 after its implicit repeal by article 765 of the Penal Code of 2012, which is due to be replaced by the new Penal Code.

The Committee notes the information provided on the assistance guaranteed to victims and the cases of gender-based violence filed and prosecuted. Nevertheless, it regrets the large discrepancy between the number of cases received by the National Public Prosecution Authority and those brought before the courts. It requests the State party to provide further information in this regard.

The Committee welcomes the significant increase in the number of *Isange* one-stop centres throughout the country, as well as the provision of services to victims round the clock, and advises the State party to continue its efforts in this regard.

[C] (c): The Committee notes the information provided by the State party, but regrets that the State party has not taken measures after the Committee's concluding observations to provide guarantees for the issuance of protection orders to ensure the safety of victims. The Committee reiterates its recommendation.

Paragraph 20: Unlawful detention and allegations of torture and ill-treatment

The State party should:

(a) **Make the legislative amendments necessary to ensure that the normal maximum period of detention before a suspect is brought before a judge is 48 hours;**

(b) **Ensure that all persons deprived of their liberty are only detained in official places of detention and are provided in practice with all legal safeguards;**

(c) **Ensure that allegations of unlawful detention, torture and ill-treatment are promptly investigated and that the perpetrators are brought to justice;**

(d) **Guarantee that persons who have been victims of unlawful detention, torture and ill-treatment have an effective right to remedy and redress.**

Summary of State party's reply

(a) The State party announces that the Law on Criminal Procedure is currently being reviewed by Parliament.

(b) There are no unofficial places of detention on its territory and that detention centres and prisons are governed by United Nations standards, as well as relevant national laws. A judicial police officer is to inform suspects of the charges brought against them upon arrest.

(c) The State party confirms that allegations of torture, unlawful detention and ill-treatment are promptly investigated and prosecuted. Between 2015 and 2017, 11 cases of torture were investigated and prosecuted, resulting in 6 convictions.

(d) Victims of unlawful detention, torture and ill-treatment are compensated for the injuries suffered through civil action procedures.

Committee's evaluation

[C] (a), (b), (c) and (d): The Committee regrets the lack of information on legislative amendments regarding the normal maximum period of detention of 48 hours before

suspects are brought before a judge. It requests the State party to provide information on the progress made in the review of the Law on Criminal Procedure. The Committee reiterates its recommendation.

The Committee notes the information provided by the State party, but regrets the lack of information on the measures taken after the Committee's concluding observations. The Committee remains concerned about the continuation of the State party's denial of unlawful detention practices and the lack of a reply to reports of incommunicado detentions. The Committee reiterates its recommendation.

While noting the information provided on the cases of torture and ill-treatment that have been investigated and prosecuted, the Committee remains concerned about the low number of such cases. In this regard, the Committee requests information on (a) the number of complaints of unlawful detention, torture and ill-treatment registered after the Committee's concluding observations and the investigations and prosecutions conducted; and (b) the measures taken after the adoption of the Committee's concluding observations to ensure that all allegations of unlawful detention, torture and ill-treatment are promptly investigated and that the perpetrators are brought to justice.

The Committee notes the information provided by the State party, but requires information on the measures taken to ensure that victims of unlawful detention, torture and ill-treatment have an effective right to remedy and redress. In this regard, the State party should also provide information on the cases decided after the Committee's concluding observations in which victims were provided with adequate compensation and other guarantees.

Paragraph 32: Prison conditions

The State party should continue its efforts to address overcrowding in police and military detention facilities and prisons, including through increased resort to alternative forms of detention. It should also improve detention conditions in all premises and continue its efforts to guarantee the separation of pretrial detainees from convicted prisoners.

Summary of State party's reply

Since the last reporting period, a new prison in Mageragere was constructed; the prisons of Rubavu, Huye and Rwamagana were renovated in order to meet international standards; and efforts were made to separate women and children from other inmates.

The State party confirms the continuation of its rehabilitation policy.

Significant efforts are being made to separate detainees in pretrial detention from those serving sentences. The Prosecution and the National Commission for Human Rights regularly visit detention facilities to monitor the treatment and respect of the detainees' human rights.

Committee's evaluation

[B]: The Committee appreciates the information provided on the construction and renovation of prisons to bring them into line with international standards, as well as the information provided on its continued efforts to separate both children and women from other inmates, as well as pretrial detainees from convicted individuals, and encourages the State party to continue its efforts. It requests further information about which specific renovations were made in order to meet international standards, as well as the capacity of the renovated and new prisons, the number of prison personnel and the services provided to prisoners.

Paragraph 40: Freedom of expression

The State party should undertake the legislative measures necessary to ensure that any restrictions on the exercise of freedom of expression comply with the strict requirements set out in the Covenant. It should also refrain from prosecuting politicians, journalists and human rights defenders as a means of discouraging them

from freely expressing their opinions and take immediate action to investigate attacks against them and to provide them with effective protection. The State party should also consider decriminalizing defamation and the crime of insult and ensure that hate crimes and crimes against State security are defined in a precise and narrow manner.

Summary of State party's reply

While the freedom of the press and freedom of expression are recognized and guaranteed by the State, article 38 of the Constitution, as revised in 2015, exceptionally limits these freedoms in the interest of public order, good morals, the protection of young persons and children, the right of every citizen to honour and dignity and the protection of personal and family privacy. The State party announces that the new Penal Code decriminalizes defamation and related offences.

Committee's evaluation

[B]: The Committee welcomes the information that defamation and related offences have been decriminalized in the new Penal Code, and requires clarification as to whether the crime of insult has also been decriminalized.

[C]: The Committee regrets that no information has been given in relation to the protection afforded to politicians, journalists and human rights defenders who are being prosecuted to deter them from exercising their freedom of expression. The Committee requires complete information on those matters, as well as specific information on: (a) the definitions and content of crimes such as hate crimes and crimes against State security that are envisaged in the new Penal Code; and (b) how the new Penal Code is in compliance with the State party's international legal obligations, in particular the Covenant.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

Next periodic report: 31 March 2019.